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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,677	11/14/2003	Amir Peles	RADW 20.114	2877
26304 7590 08/01/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
POWERS, WILLIAM S				
ART UNIT		PAPER NUMBER		
2134				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/713,677

Applicant(s)

PELES, AMIR

Examiner

WILLIAM S. POWERS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7 and 9-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7 and 9-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-7 and 9-31 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

3. The Examiner has stated the below column and line numbers as examples. All columns and line numbers in the reference and the figures are relevant material and Applicant should be taken the entire reference into consideration upon the reply to this Office Action.

4. Claims 1, 7, 9, 12, 16, 27, 29 and 31 have been amended.

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5. Claims 2 and 8 have been cancelled.
6. Claims 32 and 33 have been added.
7. Claims 1, 3-7 and 9-33 are pending.

Information Disclosure Statement

8. No Information Disclosure Statements have been submitted with the application.

Drawings

9. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the access server must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the

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brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

10. In light of Applicant's amendments, the previous objections to claims 9, 27 and 29 have been withdrawn.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1, 3, 5-7, 11-13, 15-18, 26-29 and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by US Patent Application Publication No. 2003/0140151 to Daenen et al. (hereinafter Daenen).

As to claims 1 and 33, Daenen teaches:

- a. Receiving authentication messages sent through an access server from a user to an authentication server (user logs in through the access server to the connection policy server to the authentication server) (Daenen, [0040-0041]).
- b. Determining from said authentication messages user identifiers and service attributes associated with said user (message information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).
- c. Creating a user service policy entry in a user policy table, in a network device separate from the access server and the authentication server (the Connection Policy RADIUS Server (CPRS) is separate and independent of the access server and authentication server) (Daenen, [0032 and 0051]) for said identified user contained said service attributes (message information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).
- d. Consulting said user policy table to determine how to manage said user traffic subsequent to said user authentication messages (policy server keeps user profile which is used to determine the execution of rules governing user access) (Daenen, [0015 and 0044]).
- e. Managing subsequent user traffic based on said consulting step (policy server keeps user profile which is used to determine the execution of rules governing user access) (Daenen, [0015]).

As to claim 3, Daenen teaches said user policy table is located within said service policy director (storage module stores profile of user and is part of CPRS) (Daenen, [0047-0049]).

As to claims 5, 9 and 13, Daenen teaches said authentication messages are using the RADIUS protocol (RADIUS) (Daenen, [0038]).

As to claims 6, 11 and 15, Daenen teaches proxy mode, wherein the authentication messages in a provider network pass through the service policy director, said network device modifies IP addresses of said authentication messages without any modification to the data of said authentication messages (CPRS can act as a proxy to the other servers) (Daenen, [0051]).

As to claim 7, Daenen teaches:

- a. Determining by the service policy director a user policy table based on at least an initial authentication message sent from a user to an authentication server (log in information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).
- b. Identifying a user originating said network user traffic (CPRS constructs a profile of the user during authentication process) (Daenen, [0041 and 0043-0044]).

- c. Consulting the user policy table to locate a user service policy corresponding to said user (policy server keeps user profile which is used to determine the execution of rules governing user access) (Daenen, [0015 and 0044]).
- d. Managing said network user traffic based on said consulting step by forwarding network user traffic to a requested server (authentication request is forwarded to the proper server) (Daenen, [0041]).

As to claim 12, Daenen teaches:

- a. Receiving authentication messages for a user from an access server at said service policy director (user logs in through the access server to the connection policy server to the authentication server) (Daenen, [0040-0041]).
- b. Determining user identifies and service attributes associated with said user from at least a first authentication message from an authentication server (message information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).
- c. Creating a user service policy entry in a user policy table for said identified user based on said service attributes (message information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).

- d. Consulting said user policy table to determine how to manage said user traffic subsequent to said user authentication messages (policy server keeps user profile which is used to determine the execution of rules governing user access) (Daenen, [0015 and 0044]).
- e. Managing subsequent user traffic based on said consulting step (policy server keeps user profile which is used to determine the execution of rules governing user access) (Daenen, [0015]).

As to claim 16, Daenen teaches:

- a. A user request-issuing device (client computer) (Daenen, [0037] and fig. 1, ref. 17).
- b. An access server forwarding authentication messages and user traffic from and to the user request-issuing device (access server) (Daenen, [0037] and fig. 1, ref. 12).
- c. A service provider network over which user authentication messages and user traffic originated by said user request-issuing device is transmitted (network) (Daenen, [0037]).
- d. An authentication server to which said user request-issuing device attempts to connect and by which said user request-issuing device is authenticated and registered (AAA) (Daenen, [0037] and fig. 1, ref. 15).
- e. A network device independent of said authentication server including a service policy director enforcing a service policy for said user request-issuing device, said network device receiving the authentication

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messages and creating the service policy therefrom (the Connection Policy RADIUS Server (CPRS) is separate and independent of the access server and authentication server) (Daenen, [0032 and 0051]).

As to claim 17, Daenen teaches said service policy director includes a user policy table (storage module stores profile of user and is part of CPRS) (Daenen, [0047-0049]).

As to claim 18, Daenen teaches said policy table includes user identifier information and service attribute information (storage module stores profile of user which includes user specific information and policy rules that apply to the specific user) (Daenen, [0047-0050]).

As to claim 26, Daenen teaches said network device including said service policy director functioning in a transparent mode, wherein the authentication messages in a provider network pass through the network device without any modification to the IP addresses and data of said authentication messages (the CPRS is transparent to the BAS and AAA) (Daenen, [0041]).

As to claim 27, Daenen teaches said service policy director functioning in said transparent mode receives said user authentication request messages addressed to said authentication server and forwards said user authentication

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request messages to said authentication server (the CPRS is transparent to the BAS and AAA) (Daenen, [0041]).

As to claim 28, Daenen teaches said network device including said network device including said service policy director functioning in a proxy mode, wherein the authentication messages in a provider network pass through the network device, said network device modifies IP addresses of said authentication messages without any modification to the data of said authentication messages (server acts as a proxy to other information servers) (Daenen, [0051]).

As to claim 29, Daenen teaches said service policy director functioning in said proxy mode receives said user authentication messages addressed to said service policy director and forwards it to said authentication server (server acts as a proxy to other information servers) (Daenen, [0041 and 0051]).

As to claim 31, Daenen teaches a user request-issuing device (pc, ref. 17) operatively connected to an access server (BAS, ref. 12), said access server being operatively connected to a service policy director (CPRS, ref. 13), said service policy director connected to an authentication server (AAA0 and/or AAA1, ref 15), and said authentication server being operatively connected to said user request-issuing device via the access server (Daenen, fig. 1 and associated text), wherein said service policy director receives a user authentication request message addressed to said authentication server, forwards said user

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authentication request messages to said authentication server (user logs in and authentication message is transferred from the access server to the CPRS to the AAA) (Daenen, [0038-0041]), wherein said service policy director, which is separate from said access server and said authentication server (the Connection Policy RADIUS Server (CPRS) is separate and independent of the access server and authentication server) (Daenen, [0032 and 0051]), creates a service policy from the received authentication request message (message information is used to build a profile for the user that specifies the rules governing network access of the user) (Daenen, [0043-0045]).

As to claim 32, Daenen teaches said service policy director functions in a transparent mode, wherein the authentication messages in a provider network pass through the service policy director without any modification to the IP address and data of said authentication messages (the CPRS is transparent to the BAS and AAA) (Daenen, [0041]).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 4, 10, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0140151 to Daenen et al. (hereinafter Daenen) as applied to claims 1, 7 and 12 respectively above, and further in view of US Patent No. 7,073,055 to Freed et al. (hereinafter Freed).

As to claims 4, 10 and 14, Daenen does not expressly mention what the rules governing access comprise. However, in an analogous art, Freed teaches said service policy director offers internal network services comprising at least one of bandwidth management (user profile attributes include access-rate settings) (Freed, column 14, lines 21-23).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the access control of Daenen with the access-rate settings of Freed in order to ensure that the user is given the correct configuration rules for accessing the network resources as suggested by Freed (Freed, col. 14, lines 23-30).

16. Claims 19-25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication No. 2003/0140151 to Daenen et al. (hereinafter Daenen) as applied to claim 16 above, and further in view of US Patent No. 7,073,055 to Freed et al. (hereinafter Freed).

As to claim 19, Daenen does not expressly mention storing the IP address in the user profile. However, in an analogous art, Freed teaches said user identifier information includes at least an Internet/intranet address (IP address is part of user profile) (Freed, column 13, line 60-column 14, line 7).

Therefore, one of ordinary skill in the art at the time the invention was made would have been motivated to implement the access control of Daenen with the inclusion of the IP address of the user in user profile of Freed in order to ensure service delivery to the user as suggest by Freed (Freed, column 13, lines 60-65).

As to claim 20, Daenen as modified teaches said user identifier information a username (user profile contains user identity which can include a username) (Freed, column 13, lines 18-47).

As to claim 21, Daenen as modified teaches said attribute information includes any one or more of the following: access privileges parameters, traffic logging mechanisms and user activity statistics entitlement parameters, security

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services entitlement parameters, or service quality level parameters (service parameters are specified in the user profile) (Freed, column 18, lines 10-42).

As to claim 22, Daenen as modified teaches said service quality level parameters include any one or more of the following: a bandwidth limit, a bandwidth guarantee, or a bandwidth priority (maximum bandwidth is defined) (Freed, column 19, lines 1-3).

As to claim 23, Daenen as modified teaches said service attributes define services offered by said service policy director, said services including any one or more of the following: classification of network user traffic, modification of network user traffic, forwarding of network user traffic, or logging of single network user traffic statistics (at least two types of network service: normal service type and premium service type) (Freed, column 17, lines 40-63 and figures 7A and 7B).

As to claim 24, Daenen as modified teaches said network device offers internal network services including at least one of bandwidth management, access control or network usage statistics (network entities have an internal bandwidth manager) (Freed, column 8, lines 5-18).

As to claim 25, Daenen as modified teaches a plurality of said service policy directors reside on a network (network is composed of a plurality of

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operational, administrative and maintenance servers) (Freed, column 7, lines 23-52).

As to claim 30, Daenen as modified teaches said network device comprising said service policy director functioning in a passive mode, wherein the authentication messages in a provider network are copied to the network device (a first network device creates the certificates and these certificates are transferred to RADIUS server for authentication) (Freed, column 18, lines 10-42).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM S. POWERS whose telephone number is (571)272-8573. The examiner can normally be reached on m-f 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. S. P./
Examiner, Art Unit 2134

William S. Powers
Examiner
Art Unit 2134

7/29/2008

/ELLEN TRAN/
Primary Examiner, Art Unit 2134